

## HOUSE CONCURRENT RESOLUTION NO. 1012

A CONCURRENT RESOLUTION, Requesting the Federal Communications Commission to reconsider its order on local number portability.

WHEREAS, on November 24, 2003, landline local exchange carriers in the nation's largest one hundred metropolitan areas began implementing local number portability between wireline and wireless services, a system that allows subscribers to transfer their telecommunications service from their incumbent landline local exchange carrier to a wireless telecommunications company so the subscribers can receive calls on their wireless handsets using their existing local telephone number; and

WHEREAS, the Federal Communications Commission (FCC) has by order mandated that this local number portability be available throughout all areas of the United States on May 24, 2004; and

WHEREAS, under the FCC's order, the landline local exchange carrier may be responsible for the costs of transporting all calls from the fixed location of a local telephone number to wherever the subscriber's wireless handset may be located; and

WHEREAS, these costs may be substantial and unduly burdensome to the rural local exchange carriers in South Dakota and their subscribers; and

WHEREAS, in ordering this local number portability the FCC failed to consider the substantial differences existing between the local calling areas established for rural local exchange carriers and the local calling areas offered by larger wireless carriers; and

WHEREAS, the FCC has not ordered that wireless carriers must provide similar local number portability and allow for the transfer of wireless telephone numbers to a landline telephone service and consequently, has not established a local number portability requirement that is competitively neutral; and

WHEREAS, it was premature of the Federal Communications Commission to adopt its order without first updating regulations for network access charges and offering reforms to its existing federal universal service mechanisms:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-ninth Legislature of the State of South Dakota, the Senate concurring therein, that the Legislature of the

State of South Dakota hereby affirms its support for the portability of local phone numbers but requests the Federal Communications Commission to address concerns about the negative impacts on rural, landline, local exchange carriers, and their subscribers; and

BE IT FURTHER RESOLVED, that the Federal Communications Commission be encouraged to implement substantive changes to universal service and network access charges that will keep telecommunications service affordable for consumers in all areas of South Dakota.

Adopted by the House of Representatives,  
Concurred in by the Senate,

February 11, 2004  
February 21, 2004

---

Matthew Michels  
Speaker of the House

---

Karen Gerdes  
Chief Clerk of the House

---

Dennis Daugaard  
President of the Senate

---

Patricia Adam  
Secretary of the Senate